

REMARKS

5 Claim 8 stands under objection. The Examiner notes that "IR link" should be -- infrared link --.

Claim 8 has been amended as suggested by the Examiner.

Accordingly, the objection to claim 8 can be removed.

10 Claim 4 has been amended for proper antecedent basis.

Claims 1, 4, 9-12, 15 and 19 stand rejected under 35 USC Section 102 as allegedly anticipated by Farros (US 5,930,810).

15 The Examiner equates applicant's "printer resources" and Farros's "products." Under Farros, however, a product is nothing more than stored data representing form elements or previously constructed products. A "resource request" under Farros, as alleged by the Examiner, amounts to a product selection, i.e., picking pre-defined or previously stored data.

20 In short, Farros sells data with printing or production resources available downstream.

25 As used in the present application and as claimed herein, a "printer resource" is distinct from stored data to be applied to a printer. Printer resources disclosed in the present application include, for example, such printer features as resolution, printer speed, network capability, communication links and the like. Such resources are not data, but rather printer operational or functional features affecting printer operation beyond mere submission of data, e.g., sending a print job, thereto.

Printer resources as claimed herein recite functional or operational aspects of printer use.

In contrast, the alleged "printer resources" of Farros, i.e., data, do not represent functional or operational aspects of a printer.

5 Accordingly, the rejection of claims 1, 4, 9-12, 15, and 19 under 35 USC Section 102 as anticipated by Farros must be withdrawn.

10 New claims 21, 22, and 23 depend from independent claims 1, 9, and 19, respectively, and reference a "payment transaction including a charge calculated as a function of said resource request."

15 Farros provides no details whatsoever regarding calculation of an amount to be charged. Farros does mention a charge for printing services, but does not distinguish between print jobs generally and a fee calculation based on use or right of use of a "printer resource." Farros does charge a fee, but provides no teaching whatsoever as to its calculation, especially a fee calculation based on use or right of use relative to a printer operational resource.

Thus, Farros fails to teach details concerning fee calculation and fails to teach that a payment transaction can be based on operating a printer according to a given resource request, i.e., that a payment transaction includes a charge calculated as a function of the resource request.

20 Under 35 USC Section 102, the cited reference must show each and every feature of the claimed invention. 35 USC Section 102 only permits extension of or speculation as to the cited teaching when necessarily present in the disclosed apparatus or method. In other words, if a particular feature is not specifically disclosed it can only be relied upon under 35 USC Section 102 if and only if such feature is necessarily present in the disclosed apparatus or method.

25 In Farros, no particular fee calculation is necessarily present and Farros cannot under 35 USC Section 102 anticipate a "payment transaction including a charge calculated as a function of said resource request."

Thus, even if the "data products" of Farros were to satisfy the "printer resource" element as claimed, Farros stills fails as a 35 USC Section 102 reference against new claims 21, 22, and 23 because Farros fails to teach the claimed payment transaction including the claimed charge calculation.

Because Farros fails to teach "printer resources" as claimed, any use of Farros as a base reference under 35 USC Section 103 also fails because any resulting combination lacks all claimed elements.

Thus, because all remaining outstanding rejections rely on Farros as a base reference, all remaining rejections must be withdrawn.

The following discussion further and independently supports withdrawal of the outstanding 35 USC Section 103 rejections.

Claims 2, 13, 14, and 20 stand rejected as allegedly obvious in view of Farros and Hennige.

As for claim 2, Hennige may show printing of an invoice but does not satisfy the claim language "said printer *initiates* said payment transaction" (emphasis added). Just because the printer physically produces an invoice does not mean the printer initiated such action. Claim 2 calls for printer initiation of the payment transaction. Even if the teachings of Hennige were referenced to print an invoice, the alleged combination lacks printer initiation of a payment transaction.

As for claim 13, printing an invoice does not teach or suggest placing transaction control within a printer. Absence such teaching or suggestion, the claim 13 limitation of "said transaction control is located within said printer" cannot be taken as obvious under 35 USC Section 103. Printing an invoice on a printer is known. Placing transaction control within the printer, however, is not believed to be known. Applicant respectfully submits, such is not made obvious by the alleged combination.

As for claims 14 and 20, applicant finds no allegation of use report in the Examiners comments. An invoice printed for the user as alleged by the Examiner is not "a use report for delivery to a resource vender" (claim 14) nor does it constitute "reporting use of said selected printer operational resource to said resource vendor" (claim 20). A use report generated for a vendor is not an invoice generated for a user. Each has different content and different use by different entities.

Accordingly, the rejection of claims 2, 13, 14, and 20 as allegedly obvious in view of Farros and Hennige must be withdrawn.

Claim 3 stands rejected as allegedly obvious in view of Farros and Hennige, as applied to claim 2, and Narukawa (US 6,281,978).

Again, Farros fails as a base reference and Hennige fails to complete the elements of claims 2 or 3. Hennige fails to show printer initiation of a payment transaction (parent claim 2). Narukawa fails to complete this aspect of the claimed combination.

Accordingly, the rejection of claim 3 as allegedly obvious in view of Farros, Hennige, and Narukawa must be withdrawn.

Claims 5, 6, 16 and 17 stand rejected as allegedly obvious in view of Farros and Hayashi (US 6,375,297).

Claims 7, 8, and 18 stand rejected as allegedly obvious in view of Farros and Nocker (US 6,236,486)

Applicant does not contest that fact that printers are known to operate at various levels of operational performance and/or channels of communication. The claimed invention, however, relates use or right of use of such levels of operational performance and/or channels of communication and

payment calculated as a function thereof. The alleged combinations of Farros and Hayashi on one hand and Farros and Nocker on the other hand each lacks the combination of claimed inventive elements and fails as a 35 USC Section 103 combination. Farros does not show or suggest selection of printer resources as claimed. Even if the teachings of Nocker or the teachings of Hayashi, e.g., variation in printer operational resources and/or channels of communication, were added to the alleged combination, it still falls short of the claimed invention and therefore fails as a 35 USC Section 103 combination.

Accordingly, the rejection of claims 7, 8, and 18 as allegedly obvious in view of Farros and Nocker and the rejection of claims 5, 6, 16 and 17 as allegedly obvious in view of Farros and Hayashi each must be withdrawn.

In light of the above amendments and remarks applicant respectfully requests that all outstanding rejections be reconsidered and withdrawn.

Respectfully submitted,

Keith A. Cushing
Reg. No. 32,407
503-220-8575

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8-19-03

Keith A. Cushing
Attorney for Applicant
Reg. No. 32,407